(31)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1395 of 2007

Petitioner	Smt. Sitiya Bai, aged about 23 years, W/o Padmlochan, R/o Village Keramunda (Tukda), Gram Panchayat Kudaribahara, Vikas Khand Basna, Distt. Mahasamund (C.G.)
Versus	
Respondents	1. The State of Chhattisgarh through Secretary, Women Child Welfare Department, D.K.S. Bhawan, Raipur (C.G.)
	2. The Collector Mahasamund
	3. The Project Officer, Child Development Project, Distt. Mahasamund
	4. The Chief Executive Officer, Janpad Panchayat, Basnna, Distt. Mahasamund
	5. Smt. Vinodani aged about 25 years, W/o Krishna Kumar, R/o Village Keramunda (Tukda), Gram Panchayat Kudaribahara, Vikas Khand Basna, Distt. Mahasamund (C.G.)

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mr. Parag Kotecha, Advocate for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the State.

ORDER

(Passed on 13th Day of March, 2007)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel appearing for the petitioner submits that the petitioner is better qualified than respondent No. 5, who has been appointed on the post of Aanganbadi Karyakarta in Gram Panchayat Kudaribahara, Vikas Khand Basna. The petitioner as well as respondent No. 5 lives below the poverty line and both are the 7th Class passed. The petitioner belongs to O.B.C.

category whereas the respondent No. 5 belongs to General Category. The appointment of the petitioner has been denied on the basis that the she lives above the poverty line which is contrary to facts and records. Since both are living below the poverty line, the petitioner being O.B.C. category, has preferential right over the respondent No. 5.

2. Be that as it may, the Collector, Mahasamund is directed to look into all the allegations made by the petitioner and pass appropriate order in accordance with Aanganbadi Scheme and law within a period of six weeks from the date of receipt of a copy of this order.

3. The writ petition is accordingly disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge